

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Axcan Scandipharm Inc.,

Plaintiff,

Civ. No. 07-2556 (RHK/JSM)

ORDER

v.

ETHEX Corporation, *et al.*,

Defendants.

This matter is before the Court *sua sponte*. Two of the Defendants in this action – ETHEX Corporation and KV Pharmaceutical Company – have moved for judgment on the pleadings, while the remaining two Defendants – Impax Laboratories, Inc, and Global Pharmaceuticals – have moved to dismiss the Complaint. In support of their Motions, Defendants have filed memoranda totaling well in excess of 100 pages, along with several declarations and scores of exhibits. Moreover, each group of Defendants has filed a notice of joinder in the arguments raised by the other group. Plaintiff has responded to these voluminous materials in kind, having filed a 57-page memorandum of law in opposition to Defendants’ Motions, accompanied by 14 exhibits.

In light of the (more than) extensive briefing that the parties have dedicated to Defendants’ Motions, and given that, after having initially reviewed the parties’ Motion papers (including the recently filed Reply memoranda), the Court has determined that oral argument will not materially assist it in resolving the issues raised therein, **IT IS ORDERED** that the hearing on Defendants’ Motions currently scheduled for September

19, 2007, is **CANCELED**. The Motions are deemed submitted as of September 10, 2007.

**NO FURTHER SUBMISSIONS OF ANY KIND – WHETHER BY LETTER,
AFFIDAVIT, MEMORANDUM, ETC. – SHALL BE PERMITTED IN CONNECTION
WITH DEFENDANTS’ MOTIONS.**

Dated: September 10, 2007

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge